

# House File 2097 - Introduced

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## A BILL FOR

1 An Act relating to the medical use of cannabidiol for certain  
2 debilitating medical conditions and making penalties  
3 applicable.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 124D.2, Code 2016, is amended by striking  
2 the section and inserting in lieu thereof the following:

3 **124D.2 Definitions.**

4 As used in this chapter:

5 1. "*Cannabidiol*" means a nonpsychoactive cannabinoid found  
6 in the plant *Cannabis sativa* L. or *Cannabis indica* or any  
7 other preparation thereof that is essentially free from plant  
8 material, and has a tetrahydrocannabinol level of no more than  
9 three percent.

10 2. "*Debilitating medical condition*" means all of the  
11 following:

12 a. Crohn's disease.

13 b. Epilepsy.

14 c. Ulcerative colitis.

15 3. "*Department*" means the department of public health.

16 4. "*Physician*" means an individual licensed under the  
17 provisions of chapter 148 to practice medicine and surgery or  
18 osteopathic medicine and surgery.

19 5. "*Primary caregiver*" means a person, at least eighteen  
20 years of age, who has been designated by a patient's physician  
21 or by a person having custody of a patient, as being necessary  
22 to take responsibility for managing the well-being of the  
23 patient with respect to the medical use of cannabidiol pursuant  
24 to the provisions of this chapter.

25 Sec. 2. Section 124D.3, Code 2016, is amended to read as  
26 follows:

27 **124D.3 ~~Neurologist~~ Physician recommendation — medical use**  
28 **of cannabidiol.**

29 A ~~neurologist~~ physician who has examined and treated a  
30 patient suffering from ~~intractable epilepsy~~ a debilitating  
31 medical condition may provide but has no duty to provide  
32 a written recommendation for the patient's medical use of  
33 cannabidiol to treat or alleviate symptoms of ~~intractable~~  
34 ~~epilepsy~~ the debilitating medical condition if no other  
35 satisfactory alternative treatment options exist for the

1 patient and all of the following conditions apply:

2 1. The patient is a permanent resident of this state.

3 2. ~~A neurologist~~ The physician has treated the patient for  
4 ~~intractable epilepsy~~ the debilitating medical condition for  
5 at least six months. For purposes of this treatment period,  
6 and notwithstanding [section 124D.2, subsection 4](#), treatment  
7 provided by ~~a neurologist~~ the physician may include treatment  
8 by an out-of-state licensed ~~neurologist~~ physician in good  
9 standing.

10 3. The ~~neurologist~~ physician has tried alternative  
11 treatment options that have not alleviated the patient's  
12 symptoms.

13 4. The ~~neurologist~~ physician determines the risks of  
14 recommending the medical use of cannabidiol are reasonable in  
15 light of the potential benefit for the patient.

16 5. The ~~neurologist~~ physician maintains a patient treatment  
17 plan.

18 Sec. 3. Section 124D.4, subsection 1, paragraph c, Code  
19 2016, is amended to read as follows:

20 c. Requests the patient's ~~neurologist~~ physician to submit  
21 a written recommendation to the department signed by the  
22 ~~neurologist~~ physician that the patient may benefit from the  
23 medical use of cannabidiol pursuant to [section 124D.3](#).

24 Sec. 4. Section 124D.4, subsection 1, paragraph d,  
25 subparagraph (3), Code 2016, is amended to read as follows:

26 (3) Full name, address, and telephone number of the  
27 patient's ~~neurologist~~ physician.

28 Sec. 5. Section 124D.4, subsection 3, paragraph b, Code  
29 2016, is amended to read as follows:

30 b. Requests a patient's ~~neurologist~~ physician to submit  
31 a written recommendation to the department signed by the  
32 ~~neurologist~~ physician that a patient in the primary caregiver's  
33 care may benefit from the medical use of cannabidiol pursuant  
34 to [section 124D.3](#).

35 Sec. 6. Section 124D.4, subsection 3, paragraph c,

1 subparagraph (4), Code 2016, is amended to read as follows:

2 (4) Full name, address, and telephone number of the  
3 patient's ~~neurologist~~ physician.

4 Sec. 7. Section 124D.6, subsections 1, 2, and 3, Code 2016,  
5 are amended to read as follows:

6 1. a. A recommendation for the possession or use of  
7 cannabidiol as authorized by **this chapter** shall be provided  
8 exclusively by a ~~neurologist~~ physician for a patient who has  
9 been diagnosed with ~~intractable epilepsy~~ a debilitating medical  
10 condition.

11 b. Cannabidiol provided exclusively pursuant to the  
12 recommendation of a ~~neurologist~~ physician shall be obtained  
13 from an out-of-state source and shall only be recommended for  
14 oral or transdermal administration.

15 c. A ~~neurologist~~ physician shall be the sole authorized  
16 recommender as part of the treatment plan by the ~~neurologist~~  
17 physician of a patient diagnosed with ~~intractable epilepsy~~  
18 a debilitating medical condition. A ~~neurologist~~ physician  
19 shall have the sole authority to recommend the use or amount  
20 of cannabidiol, if any, in the treatment plan of a patient  
21 diagnosed with ~~intractable epilepsy~~ a debilitating medical  
22 condition.

23 2. A ~~neurologist~~ physician, including any authorized agent  
24 thereof, shall not be subject to prosecution for the unlawful  
25 recommendation, possession, or administration of marijuana  
26 under the laws of this state for activities arising directly  
27 out of or directly related to the recommendation or use of  
28 cannabidiol in the treatment of a patient diagnosed with  
29 ~~intractable epilepsy~~ a debilitating medical condition.

30 3. a. In a prosecution for the unlawful possession of  
31 marijuana under the laws of this state, including but not  
32 limited to **chapters 124** and **453B**, it is an affirmative and  
33 complete defense to the prosecution that the patient has  
34 been diagnosed with ~~intractable epilepsy~~ a debilitating  
35 medical condition, used or possessed cannabidiol pursuant to



1 Under current law in Code chapter 124D (Iowa's medical  
2 cannabidiol Act), a neurologist who has examined and treated  
3 a person suffering from intractable epilepsy may provide, but  
4 does not have a duty to provide, a written recommendation for  
5 the patient's medical use of cannabidiol to treat or alleviate  
6 the symptoms of the person's intractable epilepsy. The Code  
7 chapter includes additional provisions relating to patients and  
8 primary caregivers including cannabidiol registration cards,  
9 confidentiality, and affirmative defenses and penalties.

10 This bill amends current law to provide that a licensed  
11 physician who has examined and treated a patient suffering  
12 from a debilitating medical condition (defined as Crohn's  
13 disease, epilepsy, or ulcerative colitis) may provide, but does  
14 not have a duty to provide, a written recommendation for the  
15 patient's medical use of cannabidiol to treat or alleviate the  
16 symptoms of the person's debilitating medical condition. The  
17 bill defines a "physician" as an individual licensed under the  
18 provisions of Code chapter 148 to practice medicine and surgery  
19 or osteopathic medicine and surgery; however, for purposes of  
20 the treatment period, treatment provided by a physician may  
21 include treatment by an out-of-state licensed physician in good  
22 standing.

23 A person who knowingly or intentionally possesses or uses  
24 cannabidiol in violation of the Code chapter is subject to the  
25 penalties of Code chapters 124 (Controlled Substances Act) and  
26 453B (Excise Tax on Unlawful Dealing in Certain Substances).